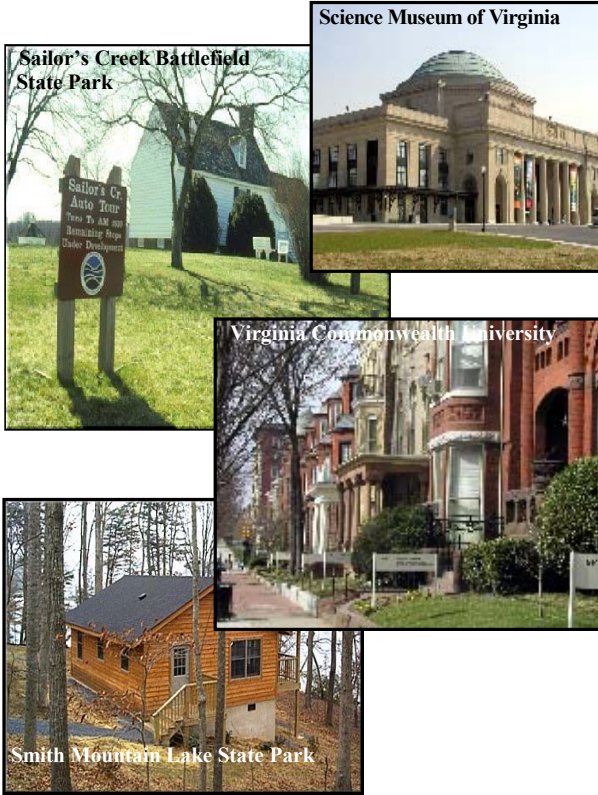


Department of Environmental Quality, Office of Environmental Impact Review

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ADDRESS

Department of Environmental Quality
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ENVIRONMENTAL IMPACT REVIEW

The Department of Environmental Quality's (DEQ) Office of Environmental Impact Review (OEIR) coordinates the review of state environmental impact reports. The review's purpose is to identify and evaluate the environmental effects of proposed state facilities and guide facility siting and design decisions to protect environmental resources.

The state law, originally enacted in 1973, is found in the Code of Virginia §§10.1-1188 through 1192. The law provides for the review of major state projects, defined as the acquisition of an interest in land (to include purchases, gifts and leases) for the construction of any state facility, the construction of a new state facility or the expansion of an existing facility costing \$100,000 or more. The definition applies to any lease of state land to private entities for construction.

State entities that are required to complete EIRs include all state agencies, boards, authorities, commissions and colleges and universities. Counties, cities, towns, housing and redevelopment and industrial authorities are exempt.

REVIEW PROCESS

When undertaking a major state project, proponent agencies are required to submit, to the OEIR, 18 - 20 copies of their environmental impact report (EIR). The Office reviews the EIR for sufficient information. If the information is complete, OEIR solicits



comments from reviewing agencies, planning district commissions and localities. Once OEIR receives comments, one State response is prepared and sent to the Secretary of Administration, who, on behalf of the Governor, responds to the proponent agencies. The Secretary must approve the project before the release of funds from the State treasury can occur.

OEIR has 60 days to complete the review once the EIR is deemed complete.

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NEPA PROCESS



The National Environmental Policy Act (NEPA) requires that Federal agencies prepare environmental documents for certain federal projects that may result in significant environmental impacts. These projects include development projects undertaken by federal agencies and projects requiring federal licenses, permits or funds. DEQ's authority for coordinating the state's review of NEPA documents comes from the Code of Virginia §10.1-1183. OEIR reviews NEPA documents, which include draft and final Environmental Assessments (EA), and draft and final Environmental Impact Statements (EIS). OEIR also provides scoping comments for the preparation of these documents.

REVIEW PROCESS



The NEPA review process is similar to the review of major state projects. Federal agencies are required to submit 18-20 copies of the document to OEIR.

OEIR then solicits comments from reviewing agencies, planning district commissions and localities. A state response is then prepared and sent to the federal agency. NEPA reviews typically have a 30-45 day review period. NEPA reviews are published in the Federal Register by the federal agency to allow for public participation.

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FEDERAL CONSISTENCY

Pursuant to the Coastal Zone Management Act, the National Oceanic and

Atmospheric Administration approved the Virginia Coastal Resources Management Program (VCP). Accordingly, federal actions with reasonably foreseeable effects on any land or water use or natural resources of Virginia's designated coastal resources management area must be consistent with the enforceable policies of the VCP. Currently the VCP is authorized under E.O. 23 (02).

The VCP's jurisdiction includes most of Tidewater Virginia, as defined by the Code of Virginia §28.2-100. The coastal zone also includes coastal waters extending to the three-mile limit. There are 83 local jurisdictions in the management area.

Tidewater Virginia



ENFORCEABLE POLICIES

- Fisheries Management
- Subaqueous Lands Management
- Dunes Management
- Tidal and Nontidal Wetlands Management
- Point Source Pollution Control
- Nonpoint Source Pollution Control
- Shoreline Sanitation
- Coastal Lands Management
- Air Pollution Control

TYPES of REVIEWS

A consistency determination is triggered when any federal action inside or outside the coastal zone has a reasonably foreseeable effect on Virginia's coastal uses or resources. Consistency determinations have a 60-day state review. A consistency certification is required 1) for certain activities proposed by a non-federal entity that requires a federal permit, license or approval, 2) when a state agency or local government applies for federal financial assistance to conduct activities in the coastal zone or 3) when projects are proposed on the Outer Continental Shelf. Consistency certifications have timeframes from 30 days to six months. Certification reviews are published on the DEQ web site to allow for public participation.

OTHER PROJECTS REVIEWED by the OEIR

Airport Construction and Runway Extensions

- OEIR coordinates, on behalf of the Department of Aviation, state agency comments on license applications for airport construction and runway extensions (Code of Virginia § 5.1-7)
- public hearings are required
- environmental document submitted in support of a Department of Aviation license
- 90-day review period

State Corporation Commission Applications

- OEIR coordinates environmental assessments supporting applications for the State Corporation Commission's (SCC) Certificate of Public Convenience and Necessity (CPCN)
- 10-day check for completeness; 60-day review period in accordance with Memorandum of Agreement between DEQ and SCC

Intergovernmental Review

- OEIR coordinates DEQ's response on federal Grant applications (E.O. 12372)
- projects include Community Development Grants, Rural Development Grants, Water Conservation Fund, EPA Grants
- submitted to OEIR by local governments, planning district commissions, rural development authorities and state and federal agencies
- 30-day review period

Exploration for Extraction of Minerals

- leases for exploration and extraction on state-owned lands may not be granted until an EIS has been submitted to DEQ for coordination
- public hearing required
- submitted to OEIR by Department of Mines, Minerals and Energy
- 6-month review period

Drilling for Oil or Gas in Tidewater

- application for drilling permits must include an environmental document submitted to OEIR by Department of Mines, Minerals and Energy
- public review required
- 90-day review period

STAFF CONTACT INFORMATION

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